

**UNITED STATES DISTRICT COURT**  
**DISTRIST OF MASSACHUSETTS**

UNITED STATES OF AMERICA      )  
    )  
    )  
    )  
v.                                    )      CRIMINAL NO. 04-30046-MAP  
    )  
    )  
THEODORE JARRETT, et al.      )  
    )  
\_\_\_\_\_ )

**DEFENDANT JARRETT'S MOTION FOR DISCOVERY OF 404(b) MATERIAL**

Defendant Theodore Jarrett (“Defendant” or “Mr. Jarrett”) moves, pursuant to Federal Rule of Evidence 404(b) (“Rule 404(b”), Federal Rule of Criminal Procedure 16, and Local Rule 117(A)(4)(b) for evidence of prior or subsequent “bad acts.” While Defendant recognizes that Rule 404(b) evidence will generally be ordered by the court to be provided no later than twenty-one days before trial, the circumstances of this case compel early production of such material. Consequently, Defendant previously requested that the government identify well before the twenty-first day prior to trial any Rule 404(b) evidence, which it may seek to offer into evidence at trial in this matter. The government has yet to provide such information.

To the extent the government intends to introduce, pursuant to Rule 404(b), any evidence of prior or subsequent “bad acts” of Mr. Jarrett or any indicted or un-indicted co-conspirator, including but not limited to Elliot Beals and George Petropolous, Defendant requests that the government provide:

1.     A description of the conduct or incident which gives rise to each such “bad act;”
2.     The names, addresses and dates of birth of witnesses to such “bad acts,” and the substance of their expected testimony; and

3. Any related documents and a designation of the theory of admissibility.

Respectfully Submitted,

THEODORE JARRETT  
By his Attorneys,

/s/ William H. Kettlewell

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Dated: June 10, 2005

**CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 116.3(F)**

The undersigned counsel hereby certifies that a good faith attempt was made to eliminate and narrow the issues raised in this motion through calls with the Assistant U.S. Attorney assigned to this case prior to filing this motion.

/s/ William H. Kettlewell

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William H. Kettlewell

Dated: June 10, 2005